



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,487	02/10/2004	Denise L. Faustman	00786/457003	1044

21559 7590 09/07/2006

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER

SKELDING, ZACHARY S

ART UNIT	PAPER NUMBER
----------	--------------

1644

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5
UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

10 775 987

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

1644 060901

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant's amendment, filed June 30, 2006, has been entered.

Applicant has elected Group I, without traverse, drawn to a method of treating a mammal having an autoimmune disease with TNF α .

Claims 1-75 are canceled.

Claim 76 has been amended.

Claims 76-82 are pending.

Claims 78, 81 and 82 are withdrawn from further consideration by the Examiner, under 37 C.F.R. § 1.142(b), as being directed to a non-elected invention.

Applicant has NOT elected a specific autoimmune disease to be treated, for example from the diseases recited in claim 80, for example, "diabetes" OR "rheumatoid arthritis," as required in the Species Election of February 28, 2006 (see part 7).

Applicant is required under 35 USC 121 to elect a single disclosed species to which the claims would be restricted if no generic claim is finally held to be allowable.

As the non-compliant amendment is reply to a NON-FINAL OFFICE ACTION, and since the amendment appears to be a bona fide attempt to be a reply (37 CFR § 1.135(c)), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this notice within which to re-submit the corrected section which complies with 37 CFR § 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Phillip Gambel
PHILLIP GAMBEL, PH.D. J.D.
PRIMARY EXAMINER
721600
9/1/06

Zachary Skelding, Ph.D.
Patent Examiner
September 1, 2006